

Article - Health Occupations

[\[Previous\]](#)[\[Next\]](#)

§8–208.

(a) (1) In this section the following words have the meanings indicated.

(2) “Applicant” means an individual who has submitted an application to the Board to be licensed as a registered nurse, licensed practical nurse, electrologist, licensed direct–entry midwife, or licensed certified midwife or to be certified as an advanced practice registered nurse, a nursing assistant, or medication technician in this State.

(3) “Participant” means a registered nurse, an advanced practice registered nurse, a licensed practical nurse, a nursing assistant, a medication technician, an electrologist, a licensed direct–entry midwife, a licensed certified midwife, or an applicant enrolled in the safe practice program.

(4) “Program” means the safe practice program.

(5) “Substance use disorder” means a disorder that occurs when an individual exhibits a pattern of behaviors ranging from the misuse of, dependence on, or addiction to drugs, alcohol, or other chemicals.

(b) (1) There is a Safe Practice Committee in the Board.

(2) The Board may create one or more safe practice committees.

(c) (1) The Committee shall consist of 6 members.

(2) Of the 6 Committee members:

(i) 3 shall be licensed registered nurses, who have demonstrated expertise in the field of substance use disorders or psychiatric nursing;

(ii) 1 shall be a registered nurse, who has demonstrated expertise in the area of pain management;

(iii) 1 shall be a licensed practical nurse; and

(iv) 1 shall be a consumer member, who is knowledgeable in the field of substance use disorders.

(d) (1) The Board shall determine the term of a member of the Committee.

(2) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(3) A Committee member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(4) The Board may remove a Committee member for incompetence or misconduct.

(e) (1) The Committee shall elect a chairperson and a vice-chairperson.

(2) The manner of election of officers shall be as the Committee determines.

(f) A majority of the members then serving on the Committee is a quorum.

(g) The Committee shall determine the times and places of its meetings.

(h) Each member of the Committee is entitled to:

(1) Compensation in accordance with the State budget; and

(2) Reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(i) The Board may employ a staff to carry out the activities of the Committee in accordance with the State budget.

(j) In addition to the powers set forth elsewhere in this subtitle, the Committee may:

(1) Evaluate those registered nurses, advanced practice registered nurses, licensed practical nurses, nursing assistants, medication technicians, electrologists, licensed direct-entry midwives, licensed certified midwives, or applicants who request participation in the program according to the guidelines prescribed by the Board and consider the recommendations for admission into the program;

(2) Receive and review information concerning a participant in the program;

(3) Consider in the case of each participant whether the participant may safely continue or resume to practice or qualify for licensure or certification to practice; and

(4) Have meetings as necessary to consider the requests of registered nurses, advanced practice registered nurses, licensed practical nurses, nursing assistants, medication technicians, electrologists, licensed direct-entry midwives, licensed certified midwives, or applicants to participate in the program, and consider reports regarding participants.

(k) In addition to the duties set forth elsewhere in this subtitle, the Committee shall:

(1) Prepare reports to be submitted to the Board; and

(2) Set forth in writing for each participant in the program a plan or agreement that establishes for that participant the requirements for supervision and monitoring.

(l) The Committee shall inform each licensee, certificate holder, or applicant who requests participation in the program of:

(1) The procedures followed in the program;

(2) The rights and responsibilities of a participant in the program;
and

(3) The possible results of noncompliance with the program.

(m) (1) Each licensee, certificate holder, or applicant who requests to participate in the program shall agree to cooperate with the individual plan or agreement designed by the Committee.

(2) Any failure to comply with the conditions of a plan or agreement may result in the participant being expelled from the program.

(3) (i) The Committee shall report to the Board the name and license number of a registered nurse, licensed practical nurse, electrologist, licensed direct-entry midwife, or licensed certified midwife, the name and certificate number of an advanced practice registered nurse, a nursing assistant, or medication technician, or the name of an applicant who is expelled from the program for failure to comply with the conditions of a plan or agreement.

(ii) The program shall transfer to the Board all records of any participant expelled from the program.

(4) If a participant is expelled from the program, the Board may:

(i) Initiate disciplinary action in accordance with the provisions of §§ 8–316 and 8–317, §§ 8–6A–10 and 8–6A–10.1, §§ 8–6B–18 and 8–6B–19, § 8–6C–20, or § 8–6D–10 of this title; and

(ii) Summarily suspend the license or certificate of any licensee or certificate holder in accordance with Title 10, Subtitle 2 of the State Government Article.

(n) After the Committee has determined that a participant no longer requires monitoring and may practice safely, the Committee shall purge and destroy all records relating to the participant's participation in the program.

(o) All Board and Committee records concerning a participant in the program are confidential and are not subject to discovery or subpoena in any civil or criminal action or disclosure under Title 4 of the General Provisions Article.

(p) The Board shall provide for the representation of any individual making reports to the Committee or the Board under this section in any action for defamation directly resulting from reports or information given to the Committee or the Board regarding a participant's participation in the program.

(q) (1) The Committee shall submit to the Board a report each year and at the request of the Board.

(2) The reports shall include:

(i) Information concerning the number of cases accepted, denied, or terminated with compliance or noncompliance; and

(ii) A cost analysis of the program.

[\[Previous\]](#)[\[Next\]](#)